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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052576
Party	Defendant The Lester M. Griffin & Lavaniel W. Griffin Partnership
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Submission	Reply in Support of Motion
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Date	08/24/2012
Attachments	2012.08.24 - reply to opposition to motion for 60 day extension.pdf (3 pages) (23810 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 3104426
For the Mark: CINQUE
Date Registered: June 13, 2006

CINQUE MODA GMBH,

Petitioner,

v.

LESTER M GRIFFIN,

Registrant.

Cancellation No. 92052576

REPLY TO OPPOSITION TO MOTION FOR
SIXTY (60) DAY EXTENSION OF DEADLINES

Registrant, by and through counsel, moved for a short extension of deadlines (60 days) in order to coordinate the schedules of witnesses in this case. Registrant did so in a timely manner and well in advance of the upcoming deadlines – even prior to the date for pretrial disclosures.

Registrant's counsel has identified those witnesses whom Registrant believes testimony will be helpful to the Board in resolving these proceedings. As explained in the moving papers, however, Registrant requires a short amount of additional time in order to coordinate the testimony and to fully identify the witnesses. Due to summer travel schedules of some witnesses, several of the persons have been unavailable to coordinate with Registrant's counsel. Accordingly, the request was not based upon any desire to delay these proceedings, and was sought in the utmost good faith.

Petitioner's opposition relies primarily upon the incorrect assertion that the only evidence that Registrant can present during Registrant's trial period is that which was presented in Registrant's summary judgment motion. Accordingly, Petitioner asserts that since such a closed universe exists, the request must be made for purposes of delay. To the contrary, Registrant is not limited to that evidence presented in the motion for summary judgment and the facts are exactly as Registrant has explained above. There is simply no desire to delay these proceedings and Registrant simply requests that the Board give Registrant the opportunity to identify those witnesses from whom testimony will be given and ultimately to produce such testimony.

In light of the above, Registrant submits that good cause exists for the brief extension and that the motion should be granted.

Dated: August 24, 2012

Respectfully submitted,

THE KINDER LAW GROUP, APC

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CERTIFICATE OF TRANSMISSION AND SERVICE

I certify that on August 24, 2012, the foregoing REPLY TO OPPOSITION TO MOTION FOR SIXTY (60) DAY EXTENSION OF DEADLINES is being electronically filed via the Trademark Trial and Appeal Board's Electronic System for Trademark Trials and Appeals ("ESTTA").

It is further certified that on August 24, 2012, the foregoing REPLY TO OPPOSITION TO MOTION FOR SIXTY (60) DAY EXTENSION OF DEADLINES is being served by mailing a copy thereof by U.S. first-class mail addressed to:

URSULA B. DAY, ESQ.
THE LAW OFFICES OF URSULA B. DAY
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Executed this 24th day of August, 2012, in Irvine, California.

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